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S/26566
11 October 1993

ORIGINAL: ENGLISH

LETTER DATED 11 OCTOBER 1993 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

In accordance with the provisions of Security Council resolution 689 (1991) and in the light of your report (S/26520), the members of the Security Council have reviewed the question of termination or continuation of the United Nations Iraq-Kuwait Observation Mission, as well as its modalities of operation.

I have the honour to inform you that the members of the Council concur with your recommendations, in particular that contained in paragraph 22 of your report.

(Signed) Ronaldo Mota SARDENBERG
President of the Security Council

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3289th meeting of the Security Council, held on 11 October 1993, in connection with the Council's consideration of the item "The question concerning Haiti", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council is deeply concerned with the situation in Haiti and deeply deplores the events of 11 October 1993, when organized armed civilian groups ('attachés') threatened journalists and diplomats waiting to meet a contingent of the United Nations Mission in Haiti (UNMIH) dispatched pursuant to Security Council resolution 867 (1993). Moreover, the disturbance created by these armed groups, and a lack of dock personnel, prevented the landing in Port-au-Prince of the ship carrying the contingent. The Security Council considers it imperative that the Armed Forces of Haiti carry out their responsibilities to ensure that obstructions such as these to the safe and successful dispatch of UNMIH end immediately.

"The Council reiterates, in accordance with its Presidential statement of 17 September 1993 (S/26460), that serious and consistent non-compliance with the Governors Island Agreement will prompt the Council to reinstate immediately those measures provided for in its resolution 841 (1993) appropriate to the situation, with particular emphasis on those measures aimed at those deemed responsible for this non-compliance. In that context, the Security Council requests the Secretary-General to report urgently to the Council whether the incidents of 11 October constitute such non-compliance by the Armed Forces of Haiti with the Governors Island Agreement.

"The Council looks forward to the Secretary-General's report and will closely monitor the situation in Haiti in the coming days."

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12 October 1993

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# LETTER DATED 11 OCTOBER 1993 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Korean Armistice Agreement was signed on 27 July 1953, between the Korean People's Army and Chinese People's Volunteers side and the "United Nations Command" (UNC) side with the objective of ensuring "a complete cessation of hostile activities and all acts of armed force in Korea in order to cease conflicts" between both parties "and until a final peaceful settlement is achieved", and the Military Armistice Commission (MAC) and Neutral Nations Supervisory Commission (NNSC) were organized and conducted their activities for its implementation.

MAC, however, has not been able to carry out its function for the implementation of the Armistice Agreement since 25 March 1991 and NNSC has also become a worthless body.

## A. Present situation of the Korean military armistice mechanism

MAC and NNSC, organized for the purpose of supervising and observing the implementation of the Armistice Agreement are in no position to fulfil their mandates owing to the unilateral measures taken by the "UNC" side.

### 1. Measures taken unilaterally by the "UNC" side that paralyzed the function of MAC and the consequences

It is already well known to the world that the function of MAC is paralyzed owing to the unreasonable acts of illegally appointing the south Korean army "general" to the position of the Senior Member of the "UNC" side of MAC on 25 March and1991, by the United States and the south Korean authority.

Notwithstanding, the "UNC" side distorts the truth, provoking us in connection with the management of MAC. It is, therefore, necessary to make it clear who is responsible.

The preamble to the Armistice Agreement stipulates that the Agreement was signed between the Korean People's Army and Chinese People's Volunteers side, on the one hand, and the "United Nations Command" side, on the other hand, and the signatory parties should abide by it strictly; paragraph 61 of the Armistice Agreement stipulates that "amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides".

The "UNC" side, however, tried to appoint the south Korean army "general" a Senior Member of its side, even though it knows that the south Korean army does not belong to "UNC", a signatory party and, in disregard of our continuous proposal to discuss the question in accordance with paragraph 61 of the Armistice Agreement, it unilaterally enforced the "replacement of the Senior Member".

As for the South Korean army, it neither belongs to "UNC" nor is a signatory party the Armistice Agreement. During the armistice talks the south Korean side doggedly opposed the conclusion of the Armistice Agreement, saying that the "Republic of Korea" would continue to "march towards the north" even if "UNC" signs the armistice and went to the length of staging demonstrations shouting: "We strongly oppose the cease-fire", and was not present at the signing ceremony of the Armistice Agreement.

And practically, the south Korean army has no real power to command the "United Nations Forces".

That the south Korean army tries today to represent the "UNC" side is just an extremely unreasonable insistence, and it is an undeniable fact for anyone that we, the signatory party, can not recognize it.

Notwithstanding this, the "UNC" side, until today, does not withdraw its unjustifiable measure, and makes MAC unable to conduct its important activities such as exchanging telephone information and letters between the Senior Members, not to say the MAC meeting. And it even distorts the truth of the matter saying as if we were responsible for it.

The "UNC" side, after paralyzing the role of the Senior Members, even dislikes the only working body - the Secretaries' Meeting - and sets artificial obstacles to its management.

On 16 February 1993 the "UNC" side proposed to convene the 509th meeting of Secretaries to discuss the question of armistice mechanism with no participation from the press but, when we asked for an open meeting, it cancelled even the meeting itself.

As a result of this unreasonable behaviour from the "UNC" side, no Secretaries meeting was held last year to discuss the question of implementing the Armistice Agreement, but only a meeting to repatriate remains.

## 2. Present situation of the Neutral Nations Supervisory Commission

NNSC, a supervisory body of the Korean Armistice Agreement, almost ceased to function already in the 1950s owing to the subversive manoeuvre of the "UNC" side and it has completely lost the value of its existence since the major functions of MAC were paralyzed in 1991.

According to paragraph 41, the mission of NNSC shall be to carry out the functions of supervision, observation, inspection and investigation, as stipulated in subparagraphs 13 (c) and 13 (d) and paragraph 28 of the Armistice

Agreement, and to report the results to the MAC, and under paragraphs 42 and 43, Neutral Nations Inspection Teams (NNITs) were to be dispatched to Sinuiju, Chongjin, Hungman, Manpo and Sinanju, the territory under the military control of our side, and to Inchon, Taegu, Pusan, Kangnung and Kunsan, the territory under the military control of "UNC" side, and full convenience for their work was to be accorded.

The "UNC" side, however, shipped into south Korea a large amount of aggressive weapons in wanton violation of subparagraph 13 (d) of the Armistice Agreement, which stipulates the cessation of the introduction into Korea of reinforcing combat equipment and, when the acts of its violations of the Armistice Agreement were detected and exposed to the world by NNITs, the "UNC" side committed the illegal act of expelling NNITs by force from south Korea in June 1956.

As a result of such behaviour of the "UNC" side, NNSC has been unable to carry out its normal function since then.

In particular, the major functions of MAC were paralyzed in March 1991, as a result of the unjustifiable acts of the "UNC" side, and NNSC has lost the subject of its work and has completely lost even its appearance of existence.

The Czechoslovak members of NNSC were obliged to withdraw from our country as Czechoslovakia, a State member of NNSC, ceased to exist on 1 January this year.

It is, therefore, unreasonable obstinately to relate the question of withdrawal of the Czechoslovak delegation with the question of the nomination of a new member State.

The question of nominating a new member State is, according to the provision of the Armistice Agreement, a question that belongs to our sovereign right and is a question in which nobody can intervene.

## B. Violations of the Armistice Agreement by the "UNC" side

The "UNC" side continuously commits military provocations against our Republic in the air, on the ground and at sea in flagrant violation of paragraphs 6, 15 and 16 of the Armistice Agreement, which stipulate the cessation of any hostile act within the demilitarized zone (DMZ) and respect of the land area, waters and airspace over the DMZ and over the area under the military control of the opposing side.

### 1. Military provocations committed by the "UNC" side

At about 1620 hours on 15 May 1993, the south Korean army introduced automatic weapons to the post 1,700 metres south of military demarcation line marker No. 1048, and fired 20 rounds of shot and at about 1620 hours on 18 June brought a large-calibre machine-gun to a spot 1,200 metres south-west of military demarcation line marker No. 0697 and fired 30 rounds.

At about 1550 hours on 3 July the south Korean army introduced a 12.7 mm large-calibre machine-gun to the post 800 metres south-east of military demarcation line marker No. 0352 and committed a provocation by precision firing against our post opposite to it and at about 1440 hours on 23 July brought a 12.7 mm large-calibre machine-gun into the post 1,750 metres south of military demarcation line marker No. 0658 and fired 10 rounds against our post.

The south Korean army, under the patronage of the "UNC" side, has continuously deployed in the DMZ various heavy weapons such as 90 mm recoilless-guns, mortars and automatic weapons such as 12.7 mm large-calibre machine-guns, and committed continuous military provocations threatening our side. The number of military provocations against our side exceeded 10,800 last year.

At about 1416 hours on 12 July 1993, the south Korean army committed a grave provocation of infiltrating three combat vessels deep into our territorial waters west of Mahab Island opposite to Jujak ri, Ongjin county, south Hwanghai Province, with the aim of kidnapping our fishing boats.

On 15 and 21 April 1993, the south Korean army, using the wind blowing towards our side, committed a grave criminal act of intentionally setting fire from a place 1,200 metres south of military demarcation line marker No. 0540 and a place 1,000 metres south-west of military demarcation line marker No. 0524, thus burning lots of forests on our side and threatening the security of our civilian police members who were on their normal mission.

The number of Armistice Agreement violations committed by the "UNC" side is over 17,000 cases during the period from 1 September last year to the end of August this year.

## 2. War exercises against the Democratic People's Republic of Korea

The "UNC" side has continued to conduct war exercises against the Democratic People's Republic of Korea despite protest from the entire Korean people and world peace-loving people.

Typical examples of them were the "Team Spirit '93" joint military manoeuvres and the "Ulji Focus Lens" war exercises.

The north-south dialogue could have entered into a new stage as the north-south agreements were signed and came into force between the north and the south of Korea last year.

The south Korean authority, however, conducted the "Team Spirit" joint military exercise in conjunction with the foreign forces against the counterpart of the dialogue.

As a result of the nuclear-weapon-test war exercise enforced by the United States and the south Korean authority, the north-south dialogue was broken and north-south relations went back to the original state of confrontation.

The relations between the north and the south have become aggravated and the situation in Korean peninsular more tensed as a result of the "Ulji Focus Lens" war exercise, a large-scale war manoeuvre conducted by the United States and south Korean authority last August against the northern half of the Republic.

C. Status of the "United Nations Command" and its "mission" according to the resolution of the Security Council

As the Democratic People's Republic of Korea has become a State Member of the United Nations today, the dishonourable remnants that existed between our Republic and the United Nations during the period when we were not a Member State must be removed.

The important thing here is the question of "UNC" and its "mission" according to the resolution of the Security Council.

It is an abnormal state that there still exists the "UNC" even after the admission of the Democratic People's Republic of Korea to the United Nations.

As a result of it, the belligerent relationship between our Republic and the United Nations has not yet been removed.

The fact that the resolution on the establishment of the "UNC" was adopted in violation of the principle of consensus of the permanent members of the Security Council (chap. V, Art. 27, of the Charter of the United Nations) is unjust itself.

Most of the countries that were members of the "UNC" have withdrawn their troops from it.

The "UNC" must be dissolved and the Armistice Agreement be replaced with the peace agreement in accordance with General Assembly resolutions 3390.B (XXX) on replacing the Armistice Agreement with the peace agreement adopted at the thirtieth session of the United Nations General Assembly in 1975.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative

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